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In re Application of VILMOS
Application No.: 10/518,951
PCT Application No.: PCT/HU02/00150
Int. Filing Date: 18 December 2002
Priority Date Claimed: 17 June 2002
Attorney Docket No.: 43843-0400
For: SET OF EQUIPMENT FOR THE
PREPARATION AND EXECUTION OF THE
FINANCIAL PERFORMANCE OF A BUSINESS
TRANSACTION BETWEEN A SELLER AND A
BUYER

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

Applicants' "Petition For Revival Under 37 CFR 1.137(b)," filed in the United States Patent and Trademark Office on 23 June 2005 is **GRANTED**.

BACKGROUND

On 18 December 2002, applicants filed international application PCT/HU02/00150. The international application claims a priority date of 17 June 2002 and designates the United States. The deadline for paying the basic national fee in the United States is thirty months from the priority date, that is 17 December 2004. The application became abandoned at midnight 17 December 2004 for failure to pay the national basic fee.

On 17 December 2004, applicant filed a transmittal letter for entry into the US national stage under 35 U.S.C. 371, which was accompanied by, *inter alia*, a copy of the International Application as required by 35 U.S.C. 371(c)(2).

On 20 April 2005, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed to applicant, indicating that applicant failed to provide the full U.S. Basic National Fee by the thirty months deadline.

On 23 June 2005, applicant filed the instant petition for revival accompanied by, *inter alia*, the requisite basic national fee as required by 35 U.S.C. 37(c)(1) and the petition fee of \$750.

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a proper reply, (2) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, (3) the petition fee required by law, and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995). A payment of the basic national fee constitutes a proper reply for entry into the national stage.

Applicant's statement in the petition that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirements of 37 CFR 1.137(b)(3). The submission of the national fee and the copy of the international application satisfies 37 CFR 1.137(b)(1). The payment of the petition fee satisfies the requirement under 37 CFR 1.137(b)(2). A terminal disclaimer is not required because the application was filed on or after 08 June 1995. Therefore, the requirements for a grantable petition under 37 CFR 1.137(b) have been satisfied.

CONCLUSION

The petition to revive the application abandoned under 37 CFR 1.137(b) is **GRANTED** as to the National Stage in the United States of America.

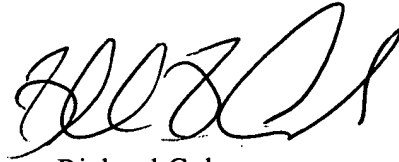
A review of the application shows that applicant has not submitted an oath or declaration in compliance with 37 CFR 1.497(a).

The application is being returned to the National Stage Processing Division of the Office of PCT Operations for continued processing including mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) for failing to provide an oath or declaration in

compliance with 37 CFR 1.497(a) and (b), and a surcharge for providing the oath or declaration later than thirty months from the earliest claimed priority date.



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